

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES P. FLEMING and ELIZABETH
FLEMING,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC.,

Defendant and
Third-Party Plaintiff,

v.

KRAUSE-WERK GmbH & CO. KG,

Third-Party Defendant.

CIVIL ACTION

No. 08-5589

ORDER

AND NOW, this 21st day of October, 2009, upon consideration of the Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) filed by Third-Party Defendant Krause-Werk GmbH & Co. KG (Doc. No. 11), and the Response and Reply thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. The Third-Party Complaint against Krause-Werk GmbH & Co. KG, filed by Home Depot U.S.A., Inc. (Doc. No. 5), is **DISMISSED**.

BY THE COURT:

/s/ Robert F. Kelly

ROBERT F. KELLY
SENIOR JUDGE